

United States District Court

CLERK'S OFFICE

CENTRAL

DISTRICT OF

MASSACHUSETTS

2004 JUN 14 P 1:20

DONALD P. SPEAKMAN, STEPHEN H. WEDEL
and MARK L. ROBARE, Individually and On
Behalf of All Others Similarly Situated,

SUMMONS IN A CIVIL CASE

V.

CASE NUMBER:

ALLMERICA FINANCIAL LIFE INS. & ANNUITY CO.,
FIRST AMERICA FINANCIAL LIFE INS. CO., ALLMERICA
FINANCIAL CORP., JOHN F. O'BRIEN, EDWARD J.
PARRY, III, RICHARD M. REILLY and JAMES E.
BELLNER

04-40077

TO: (Name and address of defendant)

JOHN F. O'BRIEN
54 Kenberma
Worcester, MA 01604

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Nancy Freeman Gans
MOULTON & GANS, P.C.
33 Broad St., Suite 1100
Boston, MA 02109-4216
(617) 369-7979

Stephen L. Hubbard
Robert W. Biederman
David M. Grossman
HUBBARD & BIEDERMAN, L.L.P.
1717 Main St., Suite 4700
Dallas, TX 75201
(214) 857-6000

an answer to the complaint which is herewith served upon you, within twenty (20) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

TONY ANASTAS

CLERK

DATE

Amanda Hildebrand
(BY) DEPUTY CLERK

5-18-04

AO 440 (Rev. 10/93) Summons in a Civil Action (Reverse)

RETURN OF SERVICEService of the Summons and Complaint was made by me ¹

DATE

June 2, 2004

NAME OF SERVER (PRINT)

Nancy Freeman Gans

TITLE

Attorney

Check one box below to indicate appropriate method of service

☐ Served personally upon the defendant. Place where served: _____☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person with whom the summons and complaint were left: _____

☐ Returned unexecuted: _____☒ Other (specify): By delivering a copy of same in hand to Jonathan A. Shapiro, Esquire, Wilmer Cutler Pickering Hale and Dorr LLP, counsel to defendant John F. O'Brien, who agreed to accept service of same on behalf of said defendant.**STATEMENT OF SERVICE FEES**

TRAVEL

0

SERVICES

0

TOTAL

0

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on June 10, 2004
DateSignature of Server
Nancy Freeman Gans
MOULTON & GANS, P.C.Address of Server
33 Broad Street, Suite 1100
Boston, MA 02109-4216
617-369-7979

FD-440 (Rev. 10/93) Summons in a Civil Action (Reverse)

RETURN OF SERVICE

Service of the Summons and Complaint was made by me ¹	DATE MAY 25, 2004
NAME OF SERVER (PRINT) DANIEL GATELY	TITLE CONSTABLE

Check one box below to indicate appropriate method of service

- ☐ Served personally upon the defendant. Place where served: _____
- ☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.
Name of person with whom the summons and complaint were left: _____
- ☐ Returned unexecuted: _____

☒ Other (specify): BY LEAVING AT THE LAST AND USUAL PLACE OF ABODE OF THE
WITHIN NAMED DEFENDANT JOHN F. O'BRIEN. SAID SERVICE WAS MADE AT
54 KENBERMA, WORCESTER, MASS. ALSO FIRST CLASS MAIL THIS SAME DAY.

STATEMENT OF SERVICE FEES

TRAVEL	\$20.00	SERVICES	\$65.00	TOTAL	\$85.00
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DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on MAY 25, 2004
Date

Daniel Gately
Signature of Server

707 E. 6th ST., SOUTH BOSTON, MASS.
Address of Server